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United States District Court  
Northern District of California

Case No.: CR 13-70369-MAG (KAW)

## DETENTION ORDER

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
BRIAN LEE HEROLD,  
Defendant.

## I. DETENTION ORDER

Defendant Brian Lee Herold was arrested for a supervised release violation pending in the United States District Court for the Eastern District of Oklahoma. At the April 8, 2013 hearing before this Court, Defendant, who was in custody and represented by Assistant Federal Public Defender Joyce Leavitt, waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f), and also waived findings, while retaining his right to seek release at a later hearing should his circumstances change. Assistant United States Attorney Kevin Lin appeared on behalf of the United States.

## II. CONCLUSION

The Court hereby detains Defendant, but because he has waived his right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later hearing, the Court orders that the hearing may be reopened at Defendant's request at any future time.

Defendant shall remain committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded reasonable

1 opportunity for private consultation with counsel. On order of a court of the United States or on  
2 request of an attorney for the Government, the person in charge of the corrections facility in  
3 which Defendant is confined shall deliver Defendant to a United States marshal for the purpose of  
4 an appearance in connection with a court proceeding.

5 IT IS SO ORDERED.

6 Dated: April 8, 2013

  
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KANDIS A. WESTMORE  
United States Magistrate Judge